

REMARKS

These remarks are set forth both in response to the final office action mailed October 25, 2004 (the "Final Office Action). As this amendment has been timely filed within the three-month statutory period, neither an extension of time nor a fee is required. Presently, claims 1 through 12 are pending in the Patent Application of which claims 1, 4 and 7 are independent in nature. In paragraphs 4 and 5 of the Final Office Action, each of claims 1, 3, 4, 6, 7 and 9 have been rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,623,529 to Lakritz. Additionally, in paragraphs 6-8, claims 2, 5 and 8 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lakritz in view of United States Patent No. 6,396,951 to Grefenstette. Likewise, in paragraph 9, claims 10-12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lakritz.

In response, the Applicants respectfully traverse the rejections on the art which can be summarized as follows. Lakritz teaches only the translation of HTML content into a single target language as defined by "the current language" selected based upon the preferred language for a Web site visitor. No where in Lakritz is it ever suggested that a single document can include two or more different languages within the single document. For the Examiner to infer as much is to act in contravention of the Manual of Patent Examining Procedure (MPEP) section 2131 and to utilize Lakritz in support of an obviousness-type rejection is to further contravene the clear requirements of the MPEP section 2143 *et seq.*

Prior to a further discussion of the foregoing arguments, a brief review of the Applicants' invention is appropriate. The Applicants have invented a method, system and program product for dynamically creating mixed language HTML content through the use of machine translation.

In the present invention, the "lang" attribute of the HTML specification can be used within markup to designate a target language to which a demarcated **portion** of the markup is to be translated. By utilizing the "lang" attribute, multiple machine translation decisions can be performed within a **single** markup language page, "thus enabling the creation of mixed language content documents". Importantly, by creating a facility for performing the mixed language translation of content **within one document**, single documents can be translated into mixed language output automatically and "on the fly" so as to support the translation of different parts of an HTML page from any language into any other.

Turning now to the rejections on the art, Lakritz relates to a multilingual electronic document translation, management, and delivery system. In the preferred embodiment of the Lakritz invention, **the language** (that is to say, only **one** language) and country of a Web site visitor can be automatically determined. Consequently, the Web server hosting the content can be directed to serve **the content** in **a language** (again, only **one** language) corresponding to that of the Web site visitor. In this way, language independent content can be developed and deployed to Web site visitors flexibly without requiring different Web site versions for different visitors from different countries.

To demonstrate the absolute limitation of Lakritz to a single language translation of an entire document, the Applicants offer the following citations from the Lakritz specification:

"It would be advantageous to provide a ... system that automatically serves content in **the** correct language to a Web site." Lakritz, column 2, lines 5-8 (stating that it is in an object of the Lakritz invention to produce content in a **single** language)(emphasis added).

"A preferred embodiment of the invention automatically determines **the** language and country of a Web site visitor and directs the Web server to deliver the appropriate localized content contained in one or more country/language databases to the visitor's browser." Lakritz, column 2, lines 28-32 (stating that a single language is selected for a single Web site visitor so as to produce localized content for the single language for the single Web site visitor)(emphasis added).

"The visitor's browser is notified of **the** proper font needed to display **the** selected language and is allowed to download **the** font." Lakritz, column 2, lines 32-34 (stating that a single font is selected to display the single language for the document)(emphasis added).

"When a visitor enters the site, the requested document is automatically served in **the** **visitor's language** and **for the visitor's country** by filling in a document template from the master site with **the correct language content** from the language/country database." Lakritz, column 2, lines 38-43 (stating that a document is produced from the master site in a single language based upon the visitor's single language and country)(emphasis added).

"The Visitor module greatly enhances the multilingual Web site visitor's experience by providing an automated and seamless way to serve content in **the correct language.**"

Lakritz, column 3, lines 62-62 (stating that a single language is deemed the correct language)(emphasis added).

"Web site visitors will immediately understand the information they see when they enter a site because it will be instantly presented in their language and for their country."

Lakritz, column 3, line 67 - column 4, line 2 (stating that the information that visitors "see" will be in a single language)(emphasis added).

"Referring to FIG. 3, the Visitor module determines the Web site visitor's language and country 301..." Lakritz, column 4, lines 35-37 (stating that the Visitor module must determine the single language for a visitor)(emphasis added).

Clearly, Lakritz not only does not teach the mixed language translation of a single document as claimed in each of the Applicants' claims, but also Lakritz cannot possibly be modified to do so. Specifically, the entirety of translation which occurs in Lakritz occurs based upon the operation of a Visitor module shown in Figures 4 and 5 (the Developer module which is equated to the Visitor module in column 5, lines 6-7). Yet, the Visitor module determines a single language for a Web site visitor based upon which the entire document to be served is translated thereto.

Thus, Lakritz provides for the translation of the entirety of a document into a single target language. In the Applicant's invention, however, a document can be translated into mixed languages within a single document. Specifically, portions of the document can be translated

into one language, while other portions of the same document can be translated into another language. So much can be accomplished through the inventive use of the HTML 'lang' attribute which can be applied to demarcate portions of the document for translation into a specific language. This capability is not evident within the teachings of the Lakritz specification, and particularly within Figure 12 and its accompanying text.

The Examiner has specifically cited the latter portion of column 5 of the Lakritz specification in support of the argument that Lakritz teaches mixed language translation of a single document. Specifically, the Examiner points to the "Multi-country server-side includes" (MCSSI) and the "Multi-language server-side includes" (MLSSI) of column 5, lines 41-49. This reliance is misguided, however, as a careful reading of that portion of Lakritz--in particular, lines 45-49 indicate that the content demarcated by MCSSI and MLSSI are wholly dependent upon "the current region or country" and "the current language". Obviously, this passage allows no room for a mixed translation of any content in the document and certainly no language translation is permitted which differs from "the current language".

The Examiner is to be reminded of the basic requirements of the MPEP section 2131 which states, "A claim is anticipated *only if each and every element as set forth in the claim is found*, either expressly or inherently described in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628 (Fed. Cir. 1987). Clearly, Lakritz does not teach two of the three elements of claim 1:

- (1) using an HTML 'lang' attribute to set at least one target language for a portion of the text which is different from the first language; and,

- (2) automatically programmatically translating the portion having the first language into said at least one target language with said 'lang' attribute as a key for machine translation in order to produce a mixed translation of the text.

Accordingly, the Examiner has failed to achieve a *prima facie* case of anticipation as required by the MPEP section 2131.

In reference to the rejections under 35 U.S.C. § 103(a), the Examiner is to be further reminded of the requirements of Section 2143 of the MPEP in that to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references when combined must teach or suggest all the claim limitations. Clearly, the recitation of either of Scharber or Rubin cannot satisfy the three basic criteria of Section 2143 of the MPEP.

In this case, the Examiner has engaged in mere personal speculation without reciting any supporting evidence, documentation or text within Lakritz to justify the Examiner's assertions. Rather, the Examiner appears to have engaged in "impermissible" hindsight when modifying Lakritz alone and in combination with Grefenstette in order to meet the several claimed limitations of claims 2, 5, 8, and 10-12. Of course, it goes without saying that an obviousness-type rejection as recited by the Examiner in respect to claims 2, 5, 8, and 10-12 cannot stand if the principal reference--the Lakritz reference--when combined with the Grefenstette reference does not teach or suggest all of the claim limitations recited in claims 2, 5, 8, and 10-12.

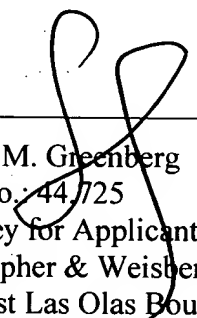
Filed: 5/23/00

Attorney Docket No.: RSW9-1999-0104 (7161-150U)

In conclusion, the Applicants believe that claims 1-12 distinguish over the cited art and stand patentable and ready for an indication of allowance. To that end, the Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. §§ 102(e) and 103(a) based upon the Applicants amendments to the claims, and owing to the foregoing remarks. This entire application is now believed to be in condition for allowance. Consequently, such action is respectfully requested. The Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: January 24, 2005



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